

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GABRIEL ROSA-DIAZ,)	
)	Civil Action No. 3: 14-cv-0005
Plaintiff,)	
)	United States District Judge
v.)	Kim R. Gibson
)	
SGT. DOW,)	
)	
Defendant.)	

MEMORANDUM ORDER

This case was commenced on January 9, 2014, and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

Defendant Dow filed a motion for summary judgment (ECF No. 106), to which Plaintiff responded in opposition (ECF Nos. 115 and 116). On January 19, 2016, Magistrate Judge Eddy filed a Report and Recommendation (ECF No. 118) recommending that Defendant's motion for summary judgment be denied as Plaintiff had submitted evidence sufficient to create genuine issues of material fact that preclude the entry of summary judgment. The parties were advised that they had until February 5, 2016, to file written objections to the Report and Recommendation. To date, no objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 17th day of February, 2016:

1. Defendant's motion for summary judgment (ECF No. 106) is **DENIED**; and

2. **IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 118) dated January 19, 2016, is **ADOPTED** as the Opinion of the Court.

It is further **ORDERED** that this case is referred back to the undersigned. Motions are no longer referred to the magistrate judge.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: GABRIEL ROSA-DIAZ
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